

FEB 02 2004

# Petition  
001  
2/12/04

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Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

To: OFFICE of Petitions  
FAX: (703) 872-9306

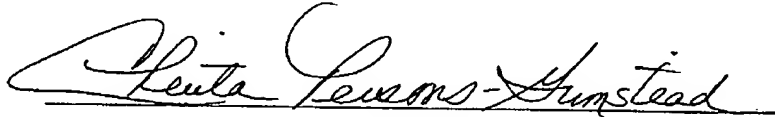
OFFICIAL

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the  
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on February 2, 2004

Date



Signature

Cherita Persons-Grimstead

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. Transmittal of Petition In Response to Notice Of Abandonment dated October 21, 2003 for Patent Application, Serial Number 09/992,681. Our Ref: 68.0176US] (24 pages)
2. Authorization to charge any fees to Deposit Account No. 50-0457.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

FEB 02 2004

OFFICIAL

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Goode, Peter et al

Serial No.: 09/992,681

Filed: November 19, 2001

For: Downhole Measurement Apparatus And  
Technique

Confirmation No.: 5874

Group Art Unit: 3672

Examiner: Dang, Hoang C.

Attorney Docket: 68.0176

ATTN: Office of Petitions  
Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION  
37 C.F.R. 1.8 & 1.10

I hereby certify that this document and its attachments are being sent on the  
date indicated below to the Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450 by:

☒ Facsimile to number (703) 872-9306.

☐ First class mail.

☐ Express Mail: Post Office to Addressee No. \_\_\_\_\_

February 2, 2004

Date

*Heita Persans-Himsted*  
Signature

## PETITION

Sir:

This petition is being re-submitted via facsimile transmission in response to the Notice of Abandonment mailed on October 21, 2003; original copy of the response was filed October 30, 2003 via Express Mail, copies of Express Mail Label and USPTO Mail room date stamped postcard enclosed, (Exhibit 4 and 5).

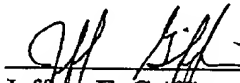
The Assistant Commissioner is authorized to deduct the petition fee (37 C.F.R. 1.17(h)) in the amount of \$130.00 from Schlumberger Technology Corporation Deposit Account No. 50-0457.

The Assistant Commissioner is also authorized to deduct any other fees required for this petition from Schlumberger Technology Corporation Deposit Account No. 50-0457.

If the petition is granted, please refund the petition fee to Schlumberger Technology Corporation Deposit Account No. 50-0457.

Applicant respectfully requests reconsideration, that the application be reinstated with its original filing date of November 19, 2001 and that the petition fee be refunded.

Respectfully submitted,

  
\_\_\_\_\_  
Jeffrey E. Griffin  
Reg. No. 36534

*Please address correspondence to:*

**Jeffrey E. Griffin**  
**Schlumberger Technology Corporation**  
**14910 Airline Road**  
**P.O. Box 1590**  
**Rosharon, Texas 77583-1590**  
**Phone: (281) 285-5720**  
**Fax: (281) 285-5537**

Attorney: Goode, Peter et al Docket No: 68.0176  
 S No: 09/992,681  
 Date Filed: November 19, 2001  
 For: Downhole Measurement Apparatus And Technique

October 30, 2003

Dear Sir:

Kindly acknowledge receipt of the enclosed materials by placing your mailroom stamp on this postcard and returning same. The following items were transmitted by Express Mail, Label No. EV 337 085 665 US on the above date:

1. Petition Under 37 C.F.R. §1.181 for Notice of Abandonment with Exhibits
2. Authorization to Charge PTO Account No. 50-0457
3. Post Card.

Thank you,

*Charita Persons-Grimstead*  
 Charita Persons-Grimstead



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Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	\$		Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM		
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<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day			Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM		
Weight	Int'l Alpha Country Code	COD Fee	Insurance Fee	<input checked="" type="checkbox"/> <b>WAIVER OF SIGNATURE (Domestic Only)</b> Addressee's signature is not required. (With delivery restrictions.) <input type="checkbox"/> <b>NO DELIVERY</b> <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday			
No Delivery	Acceptance Clerk Initials	Total Postage & Fees					
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561 500

F-02 T:22



The facsimile transmission report is attached (Exhibit 3) as evidence the facsimile was transmitted and received by Group Art Unit 3600 of the Patent Office on March 26, 2003 at 12:24 pm pacific standard time.

In view of these facts, Applicant submit that the documents as described above were filed in a timely manner, so the above-referenced application was not abandoned and should not now be considered abandoned. Accordingly, it is respectfully requested that the attached documents be accepted and entered into the file for the above-referenced application. It is further respectfully requested that the Commissioner withdraw the Notice of Abandonment and reinstate the application with its original filing date.

It is not believed that any fees are required for filing this Petition due to the mistake being on the part of the Patent Office. However, the Commissioner is authorized to charge Deposit Account No. 50-0457 for any fees which may be required.

Respectfully submitted,

Date: October 30, 2003

  
\_\_\_\_\_  
Jeffrey Griffin, Reg. No. 36,534

Schlumberger Reservoir Completions  
14910 Airline Rd.  
P.O. Box 1590  
Houston, Texas 77583-1590  
Telephone: (281) 285-5720  
Facsimile: (281) 285-5537

*Exhibit 1*



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,681	11/19/2001	Peter A. Goode	68.0176	5874

7590 10/21/2003  
Schlumberger Technology Corporation  
Schlumberger Reservoir Completions  
14910 Airline Road  
P.O. Box 1590  
Rosharon, TX 77583-1590

RECEIVED

OCT 24 2003

I.P. LAW DEPT.

EXAMINER

DANG, HOANG C

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

95



**Notice of Abandonment**

Application No.

09/992,681

Applicant(s)

GOODE ET AL.

Examiner

Hoang Dang

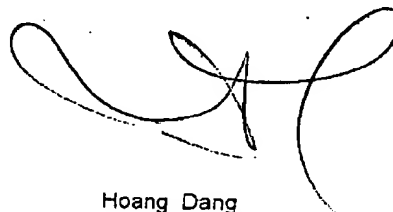
Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 17 March 2003.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:



Hoang Dang  
Primary Examiner  
Art Unit: 3672

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 6

*Exhibit 2*

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 0682  
CONNECTION TEL 917033053597  
SUBADDRESS  
CONNECTION ID TC 3600 USPTO  
ST. TIME 03/26 12:24  
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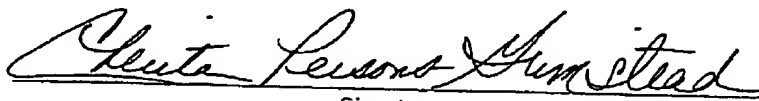
To: EXAMINER H. DANG  
FAX: (703) 305-3597

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on March 26, 2003

Date



Signature

Cherita Persons-Grimstead

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. Transmittal of Response to Restriction Requirement for Patent Application Serial Number 09/992,681. [Our Ref: 68.0176US] (2 pages)
2. Authorization to charge any fees to Deposit Account No. 50-0457.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

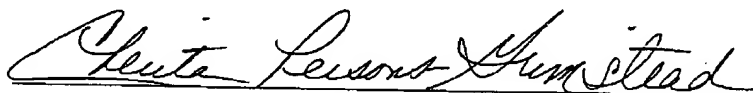
To: EXAMINER H. DANG  
FAX: (703) 305-3597

### Certificate of Transmission under 37 CFR 1.8

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United States Patent and Trademark Office

on March 26, 2003

Date



Signature

Cherita Persons-Grimstead

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. Transmittal of Response to Restriction Requirement for Patent Application Serial Number 09/992,681. [Our Ref: 68.0176US] (2 pages)
2. Authorization to charge any fees to Deposit Account No. 50-0457.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

GOODE, P. et al

Serial No.: 09/992,681

Filed: November 19, 2001

Title: Downhole Measurement Apparatus  
And TechniqueCommissioner for Patents  
Washington, DC 20231§  
§  
§  
§  
§  
§  
§

Group Art No.: 3672

Examiner: Dang, H.C.

Docket No: 68.0176

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

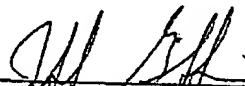
In response to the restriction requirement mailed on March 17, 2003, the Assignee elects the claims of Group I (claims 1-20, 31-56, and 61-81) and the species of Figures 2-12 without traverse. Claims within Group I and readable on the elected species are claims 1-5, 7-8, 10-15, 17-18, 20, 31-56, 61-62, 64-68, 70-78.

The Commissioner is authorized to pay any additional fees or credit any overpayment to Deposit Account No. 50-0457.

Respectfully submitted,

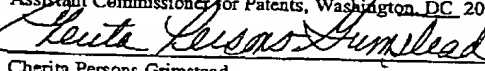
3/26/03

Date

  
Jeffrey E. Griffin, Reg. No. 36,534  
Schlumberger Technology Corporation  
P.O. Box 1590  
Rosharon, TX 77459  
(281) 285-5720  
(281) 285-5537

Date of Deposit: 26 March 2003

I hereby certify under 37 CFR 1.6(d) that this correspondence is being  
facsimile transmitted on the date indicated above and is addressed to:  
Assistant Commissioner for Patents, Washington, DC 20231.

  
Cherita Persons-Grimstead

Fax No.: (703) 305-3597



## UNITED STATES PATENT AND TRADEMARK OFFICE

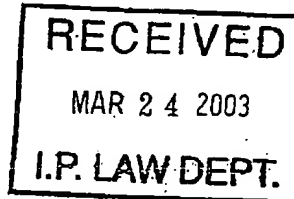
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,681	11/19/2001	Peter A. Goode	68.0176	5874

7590

03/17/2003

Schlumberger Technology Corporation  
Schlumberger Reservoir Completions  
14910 Airline Road  
P.O. Box 1590  
Rosharon, TX 77583-1590



EXAMINER
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DANG, HOANG C

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED ☒ UPDATED ☐RESPONSE: Non-Final ☐ FINAL ☐

2 mos. 3 mos.

Action(s)/Date(s): last reg.4/17/03XL ☐ CPA ☐ Scan ☒ By: CPG

**Office Action Summary**

Application No.

09/992,681

Applicant(s)

GOODE ET AL.

Examiner

Hoang Dang

Art Unit

3672

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-81 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Application/Control Number: 09/992,681  
Art Unit: 3672

Page 2

*Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-20, 31-56 and 61-81, drawn to a system or method usable with a subterranean well, classified in class 166, subclass 250.001.
  - II. Claims 21-30, drawn to a resistivity tool, classified in class 324, subclass 352.
  - III. Claims 57-60, drawn to a method of establishing fluid communication between an exterior of a casing and its interior, classified in class 166, subclass 297.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II or III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the detailed structure of the resistivity tool (e.g., transmitter, receiver, circuit) of Group II or the piercing of the casing of Group III are not required by the combination claims (e.g., see claims 1, 11, 75, 79). The subcombination has separate utility such as a tool for measuring resistivity having no packer or/and puncher (Group II) and a method for producing a well wherein the communication between the exterior of the casing and its interior thereof is for the purpose of production.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and the search required for one



Application/Control Number: 09/992,681

Page 3

Art Unit: 3672

Group is not required for another Group, restriction for examination purposes as indicated is proper.

4. This application further contains claims directed to the following patentably distinct species of the claimed invention: the species of figures 2-12; the species of figures 13-14; the species of figures 13-14; the species of figure 15; the species of figures 16-17; the species of figure 18; the species of figures 20-21

Applicant is further required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

**Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added.** An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

Application/Control Number: 09/992,681  
Art Unit: 3672

Page 4

examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Dang whose telephone number is 703-308-2149. The examiner can normally be reached on 9:15-5:45 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bagnell can be reached on 703-308-2151. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Application/Control Number: 09/992,681  
Art Unit: 3672

Page 5

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

Hoang Dang  
Primary Examiner  
Art Unit 3672

09992681.res  
March 13, 2003.

A handwritten signature in black ink, appearing to be 'Hoang Dang', written over a horizontal line.

*Exhibit 3*

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

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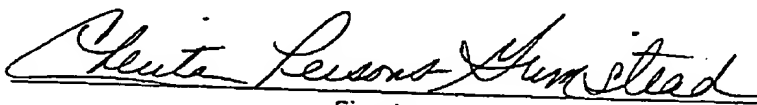
To: EXAMINER H. DANG  
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1. Transmittal of Response to Restriction Requirement for Patent  
Application Serial Number 09/992,681. [Our Ref: 68.0176US]  
(2 pages)
2. Authorization to charge any fees to Deposit Account No.  
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**Exhibit 4**



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*Exhibit 5*



Applicant: Goode, Peter et al Docket No: 68.0176 October 30, 2003  
Serial No: 09/992,681  
Date Filed: November 19, 2001  
For: Downhole Measurement Apparatus And Technique

Dear Sir:

Kindly acknowledge receipt of the enclosed materials by placing your mailroom stamp on this postcard and returning same. The following items were transmitted by Express Mail, Label No. EV 337 095 665 US on the above date:

1. Petition Under 37 C.F.R. §1.181 for Notice of Abandonment with Exhibits
2. Authorization to Charge PTO Account No. 50-0457
3. Post Card.



Thank you,

*Cherita Persons-Grimstead*  
Cherita Persons-Grimstead